

**IN THE DRAWINGS:**

**Please attach replacement pages for Figs. 1, 2, 4, 5  
and 12.**

### REMARKS

In response to the Examiner's Office Action of July 12, 2005, Applicant would herein present the following considerations and statement.

In regard to claim rejections on claims 3-25, under 35 USC 112 for indefiniteness due to lack of antecedent bases, Applicant has now attended to these claims in order to adequately provide the necessary antecedents.

Applicant wishes to apologize for various typographical errors and incorrect claim attributions indicated by Examiner which have now been corrected in order to apply properly to the claims from which they depend. Originally, there was not sufficient time allocated to give a proper textual review in order to pick-up these omitted and incorrect items.

Applicant also has tried to make corrective amendments in order to provide more consistency in the terms used in the claims.

The Examiner has rejected claims 1-3 under 35 USC 103(a) for obviousness over Ferguson, U.S. Patent 6,016,499, in view of Heninger, U.S. Patent 6,470,349, and further in view of Blakely for IEEE, "OLE DB: A Component DBMS Architecture, 1996."

Now, in view of the amended claims, Applicant would traverse the Examiner's consideration as to the applicability of these references.

Additionally, after a review of the text and the drawings, Applicant has made corrective and explanatory additions to the specification, and also to the drawings in which Applicant has now provided replacement pages for Figs. 1, 2, 4, 5, and 12.

While Examiner considers that the Ferguson reference teaches the invention substantially as claimed, however, Examiner indicates that Ferguson does not specifically teach that it uses the JDBC interface (JDBC driver). Then, Examiner cites the

Heninger reference, as teaching the use of JDBC instead of an OLE DB interface.

Applicant would remark that there is nothing here that would push a skilled software designer to suddenly apply Applicant's JDBC Driver (Fig. 4, Item 11) as an interface.

Examiner further states that Ferguson does not specifically teach an OLE DB data provider, but that the Blakely reference is utilization of OLE DB to reduce unnecessary duplication of services. But Blakely DOES NOT TEACH Applicant's OLE DB Data Provider 30.

Examiner says that one would be motivated to use OLE DB of Blakely in combination to modify Ferguson and Heninger's teaching. Applicant states there is no such motivation because if such motivation were present, there would certainly be a more specialized patent or statement that this has already been done.

The Examiner has rejected claims 4-9 under 35 USC 103(a) for obviousness over the Sanchez U.S. Patent 6,886,172, in view of Ferguson, U.S. Patent 6,016,499, and further in view of Blakely (IEEE, "OLE DB: A Component DBMS Architecture, 1996.").

As indicated by Examiner, Sanchez does not specifically teach passing a database query to a remote database. But then, Examiner contends that Ferguson teaches this, and it would be obvious to combine the teaching of Sanchez and Ferguson. Applicant would traverse this contention.

It is noted also, that Sanchez does not specifically teach the OLE DB database and the OLE DB object. Then, Examiner brings in the Blakely reference saying it teaches utilization of OLE DB.

In Applicant's Figure 4, there is indicated a Client 8 who uses a JAVA application and then utilizes a JDBC Driver 11 to connect to an OLE DB Data Provider 30

which can access data from an OLE DB Database 40 for return to the Client 8 (via the JDBC Driver 11).

At this point, it might be useful to indicate to Examiner, that Examiner is taking bits and pieces from various references in order to recombine them and thus to form a template which would attempt to suggest the substance of Applicant's invention. This is an impermissible concatenation of and combination of diverse references in order to try to recreate Applicant's invention. Further, even this combination of references would not teach Applicant's configuration.

Examiner has stated that the Sanchez teaching could be modified to use the OLE DB using the motivation set forth by Blakely. Applicant would traverse this suggestion by Examiner.

No modification of Sanchez by Blakely could teach Applicant's JDBC Diver 11 and his OLE DB Provider 30.

Examiner has rejected claims 10-25 for obviousness under 35 USC 103(a) as unpatentable over Ferguson, in view of Heninger, in view of Blakely, and further in view of Sanchez, U.S. Patent 6,886,172, and further in view of Blakely (ACM, "Data Access For The Masses Through OLE DB", 1996), hereinafter designated "Blakely II".

Here, as noted by the Examiner, Ferguson does not specifically teach that it uses the JDBC driver, but then Examiner states Ferguson teaches utilization of an Open Database Connectivity (ODBC) driver, and Heninger teaches use of a JDBC instead of an ODBC, where Heninger has indicated that JDBC is the preferred driver.

Here again, Examiner contends that the combination teachings of Ferguson and Heninger would arguably make Applicant's system and method to be obvious. Again, Applicant would traverse this consideration, especially since Ferguson does not specifically teach OLE DB, and this would require the teaching of Blakely I to

usefully appreciate the utilization of OLE DB. But neither Blakely I or II could be used to enable Applicant's configuration.

Again, Examiner is picking and choosing selected pieces from various references to put them together to try to imply that Applicant's system is obvious.

Thus, Examiner's conclusion --- that it would be obvious to modify Ferguson and Heninger's teaching, and to use the OLE DB module set forth by Blakely, so that "one would be motivated" to use the OLE DB.

If this combination would have been so obvious, one would think that there would be some patent or some reference which actually showed this combination being effectively used.

It should also be noted that Sanchez does not specifically teach the development of an OLE DB Session object, and to make a C Session object reference into an OLE DB Session object --- but then, Examiner says Blakely teaches a way to access the OLE DB. But Blakely does not teach these relations between a C Session object with an OLE DB object.

And here again, Examiner has said that this combination of Sanchez with Blakely would make Applicant's method obvious, since one "would have to recognize" (?) that the C Session object has to have access to a OLE DB database to get information.

Again, Applicant would say and indicate that this is not obvious that a designer would go ahead and arbitrarily design Applicant's method.

Regarding claims 14, 17 and 19-20, Examiner contends that these would be obvious, since these were made to implement a class to interface the OLE DB to communicate with the database when the provider does not support an OLE DB command.

Applicant would here again reiterate that the software skills of a software engineer can be most innovative when they develop solutions to the problems solved by Applicant's invention. This is what Applicant has done.

Regarding Examiner's statement on claims 18, 21, 22 and 23-25, Examiner has indicated that Ferguson does not specifically teach the limitations as listed in the claims. Then, however, Examiner argues that Blakely II teaches the invention, including --- means to create an object referenced to OLE DB object --- the use of a Rowset object --- and means to acquire column information from a Rowset object. But Applicant's claims involve more than this.

It may be useful to provide some general and specific observations about the cited references as cited by the Examiner, as they may or may not apply to Applicant's configuration.

The Sanchez U.S. Patent 6,886,172 relates to mapping procedural code written in C/C++ to object code written in JAVA.

In part of Applicant's configuration, Applicant goes actually in the other direction, that is to say, Applicant maps the JAVA code into C/C++ code --- but that mapping is only as a necessary intermediate step to get to the heart of Applicant's invention --- Applicant's invention is the mapping JDBC into the OLE/DB (the former being in JAVA, the latter in C/C++).

Therefore, Applicant's configuration is not a mapping from C/C++ to JAVA (as done by Sanchez) and such a mapping is only incidental to get from JDBC to the OLE/DB.

Thus, the Sanchez arrangement is not such that would teach the capability of Applicant's arrangement.

Now, in regard to the cited reference from Heninger, U.S. Patent 6,470,349, Heninger concerns a server-side scripting language that is interpreted by JAVA code. The scripting language is specifically designed to facilitate accessing data from a database using JDBC.

Specifically, in Heninger, he uses a JDBC driver that is a front on an Open Database Connectivity (ODBC) data provider.

Such JDBC to ODBC bridges have already existed for a long time in JAVA. (Note the JDBC reference implementation from Sun Microsystems in a JDBC to the ODBC bridge).

What is new, unique and novel about Applicant's configuration is that --- it is a JDBC to OLE DB bridge. Applicant is not aware of any such bridges i.e. of ODBC to OLE/DB bridges, which would facilitate a JDBC to ODBC to OLE/DB connection -- (but there are OLE/DB to ODBC bridges).

Notice that Applicant provides a JDBC to OLE/DB bridge --- and this is not done by the Heninger reference.

The patent reference from Ferguson, U.S. Patent 6,016,499 provides a mapping from SQL statements and ODBC calls into a directory services API. While this is once again a mapping and concerns SQL and database access, this does not cover the aspects of what has been developed by Applicant's invention.

Now, regarding the White Papers referenced by Blakely I and Blakely I--- yes, it is seen that these papers provide guidelines on the using of OLE DB, but none of these guidelines

provide any mechanism whatsoever for "bridging" between JDBC calls and OLE DB calls.

With this sort of lack in teaching by the Blakely references, they could not be considered applicable to Applicant's configuration.

Applicant would now contend that Applicant is the first one to devise, utilize and make work the particular configuration described in Applicant's claims.

It is to be noted that Applicant has provided corrective amendments to the claims and with an attempt to provide consistency in terminology. Further, as stated in the hereinbelow-cited Court decisions, it should be understood that it is not proper for the Examiner to collect bits and pieces from variously different references, then try to combine them as a template to deny the innovative combination that Applicant has supplied here.

In a case designated *Ex Parte Rozzi*, an unpublished decision of the Board of Patent Appeals and Interferences, page 1106, dated January 16, 2002, the following was indicated:

Patent Examiner's rejection of Applicant's claims on grounds of anticipation and obviousness over prior art reference are vacated, since Examiner has made no cogent attempt to read reference into independent claim in application, and there has not established that he determined that all limitations of Applicant's claims are explicitly or inherently described by prior art, and since Examiner's finding that independent claim is "generically" described by reference is insufficient for obviousness rejection; Examiner's rejection for anticipation based on second prior art reference is reversed since that reference does not disclose specific combination of components set out in Applicant's independent claim. (underlines added).



As a further legal citation, in the case of Uniroval, Inc. v. Rudkin-Wiley, Corporation, 837 F.2d, p.1044 and 5USPQ2d, p.1434 (Fed. Cir. 1988, it was stated there:

When prior art references require a selected combination to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gleaned from the invention itself. Something in the prior art as a whole must suggest desirability, and thus, the obviousness of making the combination. It is impermissible to use the claims as a frame and the prior art references as a mosaic to piece together a facsimile of the claimed invention. (underlines added).

In view of the fact that Applicant's invention:

- (i) is not a mapping from JAVA to C/C++ (as shown in Sanchez), and further,
- (ii) since Heninger does not teach and devise a bridge from JDBC over to OLE/DB, and
- (iii) since Ferguson is concerned with mapping from SQL statements into ODBC calls into a directory services API, and further,
- (iv) since the White Papers by Blakely I and II do not provide any guidelines for a mechanism for bridging between JDBC calls and OLE DB calls ---.

Thus, in view of the above, it is hoped that Examiner will recognize the invention of Applicant as a whole in its entirety and not as a random collection of various bits and pieces from other references.

Now, in view of the amended claims and in view of the factors which indicate that no combination of the cited references can actually provide the features and services provided by Applicant's configuration, it is respectfully requested that Examiner consider Applicant's invention as a whole in its entirety and subsequently provide a timely Notice of Allowance therefor.

Respectfully submitted,

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Date:

October 5, 2005

Patti S. Preddy

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